

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

SAUREL FEVRIER

PLAINTIFF

VS.

CIVIL ACTION NO. 5:03-cv-438 (DCB) (JMR)

GRAY DANIELS FORD

DEFENDANT

ORDER

This cause is before the Court sua sponte regarding this Court's Memorandum Opinion and Order granting the defendant's motion to compel arbitration, entered June 16, 2005. Since entry of the Order, the Court has been contacted by the plaintiff, who stated that he has been trying to file a claim in arbitration for some time, but has been unable to obtain any information concerning the procedure for doing so. The Arbitration Agreement and Dispute Resolution Procedure ("Arbitration Agreement"), of record in this case (**docket entry 14**), states: "Employer and Employee agree that any legal or equitable claims or disputes arising out of or in connection with the employment relationship, the terms and conditions of employment, or the termination of employment will be settled by binding arbitration." (Arbitration Agreement, p. 1). The Arbitration Agreement further provides as follows:

(a) The arbitration process shall be commenced by the filing of a written grievance by the aggrieved employee, with a filing fee of \$75.00. The filing fee will be applied to the costs of the proceedings as outlined below in subsection (b). The grievance must be filed within the limitations period supplied by the substantive law applicable to the particular dispute, or within 30 days of the incident or occurrence in question, whichever

period is longer. The arbitration proceedings shall be conducted at a mutually agreed site in Jackson, Mississippi, in accordance with the National Rules for Resolution of Employment Disputes ("National Rules") of the American Arbitration Association ("AAA") in effect at the time the grievance is filed. Employee is entitled to representation by an attorney throughout the proceedings at his/her own expense.

(Arbitration Agreement, pp. 1-2). The Arbitration Agreement is silent, however, regarding the actual procedure for filing a grievance. The parties are therefore ordered to appear before Chief Magistrate Judge John M. Roper so that the issue of arbitration procedure may be addressed. Accordingly,

IT IS HEREBY ORDERED that the parties and/or their counsel appear for a status conference on September 12, 2006, at 3:00 p.m. at 115 South Wall Street, Chancery Courtroom, 2nd Floor, Adams County Courthouse, Natchez, Mississippi 39120.

SO ORDERED, this the 5th day of September, 2006.

S/DAVID BRAMLETTE
UNITED STATES DISTRICT JUDGE